

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIC KYLE WIST,

Plaintiff,

-against-

MIDDLEBURG POLICE DEPARTMENT,
Police Officer,

Defendant.

VALENTIN ORDER

22-CV-7570 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that one or more police officers employed by the City of Middleburg Police Department (“MPD”) used excessive force during three separate arrests that occurred on September 6, 2020, January 6, 2021, and June 27, 2021. By order dated December 5, 2022, The Honorable Laura Taylor Swain, in her capacity as Chief Judge, granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. As set forth below, the Court directs Corporation Counsel for the City of Middleburg to identify the officer(s) who arrested Plaintiff on the above-referenced dates.

DISCUSSION

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the MPD to identify Plaintiff’s arresting officer(s) with respect to his arrests on September 6, 2020, January 6, 2021, and June 27, 2021. It is therefore ordered that the Corporation Counsel, who is the attorney for and agent of the MPD, must ascertain the identity and badge number of each of those officers the address where each of them may be served. The Corporation Counsel must provide this information to Plaintiff and the Court within 60 days of the date of this order.

Upon receipt of this information, the Court will deem the Complaint amended as to those Defendants and will issue an order directing the Clerk of Court to complete the USM-285 form with the addresses for the unidentified Defendants.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order and the complaint to Corporation Counsel for the City of Middletown at: 16 James Street, Middletown, New York 10940.

The Clerk of Court is also directed to mail Plaintiff an information package.

SO ORDERED.

Dated:

White Plains, New York
May 1, 2023

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

PHILIP M. HALPERN
United States District Judge